

GARY LOCKE
Governor



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10/03/00

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

P.O. Box 40002 Olympia, Washington 98504-0002 (360) 753-6780 TTY/TDD (360) 753-6466

FAX COVER SHEET

TO:

Michelle Pirzadeh and Mark Adee

FROM:

U.S. EPA, Region 10 Office (206) 553-0124

Lan Nguyen

902-0485

DATE:

10/5/00

Attached is a 3 page document. Please deliver as soon as possible to the person named above. Thank you!!!

Additional Comments:

The hard copy will be sent to
Carol Branner, Director of the U.S. EPA
If you have a problem with the transmission
call me at (360) 902-0385.

If there are any problems with this transmission, please call the Governor's Office at 360-733-6780.

USEPA SF



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CARLY LOCKE
Governor

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October 3, 2000

Ms. Carol Browner, Administrator
U.S. Environmental Protection Agency
401 M Street SW
Washington, D.C. 20460

Dear Ms. Browner:

I am writing in response to Acting Regional Administrator Chuck Findley's letter requesting my concurrence on placing the Lower Duwamish Waterway (Waterway) on the Superfund National Priorities List (SNPL). As you know, the state of Washington and the U.S. Environmental Protection Agency (EPA) worked together extensively on an approach that would not have entailed Superfund listing for this site. Unfortunately, because some potentially responsible parties and the natural resource trustees were unable to reach agreement on critical issues, this approach was not possible. Given this situation, I believe it is appropriate to place the Waterway on the SNPL, and I concur with EPA's proposal to move forward with listing.

The Waterway is a vital element of the economy of Seattle and our state. Just as important, it provides habitat to many species of salmon and wildlife and has a significant place in the history and traditions of the region's tribes.

I strongly believe that the cleanup of the Waterway will be more effective with a coordinated approach that utilizes the state's local knowledge and experience. This approach must be integrated with Washington's Sediment Management Standards and Model Toxics Control Act, the Clean Water Act and the Endangered Species Act. A strong state role is important to ensure that these elements are integrated with the Superfund process and potential conflicts minimized wherever possible.

It will be important to establish a framework of roles and responsibilities for EPA and the state so that this complex environmental cleanup can be conducted in an effective and coordinated manner. A successful effort will also require the involvement of tribes, natural resource trustees, area residents, the business community and local governments. It will be critical to address the needs and concerns of these interested parties in the approach we use.

It is my understanding that the state of Washington and EPA have worked together closely to produce a joint Administrative Order on Consent/Agreed Order and a Technical Statement of Work for this site and that the potentially responsible parties have signed the Order. It is critical

Ms. Carol Browner
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that this Order and Statement of Work are implemented in their current forms as soon as possible. I urge EPA to do everything possible to avoid having the Superfund listing unnecessarily delay the start of work in the Waterway.

I appreciate EPA's efforts in working with the state on this site and I look forward to our continued progress. Please contact Jim Pendowski, Manager of the state's Toxics Cleanup Program, at (360) 407-7177, if you have questions concerning this letter or my concurrence on the listing of the Waterway on the SNPL.

Sincerely,


Gary Locke
Governor

cc: Chuck Findley, Acting Regional Administrator, EPA-Region 10
Tom Fitzsimmons, Washington State Department of Ecology
Jim Pendowski, Washington State Department of Ecology



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10
1200 Sixth Avenue
Seattle, WA 98101

JAN 25 1999

Reply To
Attn Of: ECL-115

The Honorable Gary Locke
Office of the Governor
P.O. Box 40002
Olympia, WA 98504-0002

Dear Governor Locke:

The purpose of this letter is to request your assistance in abating a threat to public health and the environment. As you are aware, the Environmental Protection Agency (EPA) Region 10 has determined that it is appropriate to continue the process of listing the Rayonier pulp mill site in Port Angeles, Washington, on the Superfund National Priorities List (NPL), and is making that recommendation to EPA Headquarters. Adding the site to the NPL will guarantee a comprehensive enforceable agreement with the responsible party as well as provide for strict cleanup standards commensurate with future land use of the Mill site.

As part of the Superfund listing process, it is EPA's policy to request support from the Governor of the State in which the site is located. Therefore, we are asking for a letter from you that supports the designation of the Rayonier mill site to the NPL.

In November and December of 1997, the EPA conducted a site assessment in response to a Citizen's Petition under the federal Superfund law. Sampling identified five sources of contamination: the log yard, the hog fuel pile, the bone yard, the chlorine dioxide generator and prefab area, and the soil under and around buildings. Contaminants included arsenic, lead, semi-volatile organic compounds, PCBs and dioxins. A release to surface water of several contaminants, including PCBs, semi-volatile organic compounds, and dioxins, was detected in marine sediment samples collected from Port Angeles Harbor. In addition, marine tissue samples collected from Port Angeles Harbor were found to contain elevated levels of PCBs and dioxins.

EPA is requesting that this site be cleaned up under Superfund authorities for several reasons. First, there is a clear threat to public health and the environment. Commercial and sport fisheries occur in Port Angeles harbor in the area adjacent to the site. Several instances of recreational fishing were witnessed within the area of observed contamination in Port Angeles harbor. The bald eagle, peregrine falcon and the gray whale, all federally listed threatened or endangered species, are in vicinity of the site.

The U.S. Department of Interior (DOI), a natural resource trustee under the Superfund law, has stated concerns over this site's potential impacts on migratory birds, fish, as well as endangered species. Under the Superfund law, EPA is required to coordinate assessments, investigations and planning with the trustees. DOI is supportive of NPL listing as this ensures



Subsistence, recreational and commercial fishing occurs within the study area. The National Oceanic and Atmospheric Administration is also concerned about protecting the Chinook salmon, which has been designated as a threatened species under the Endangered Species Act. In addition, the Coho salmon in the Lower Duwamish Waterway is being reviewed for potential federal listing under the Endangered Species Act.

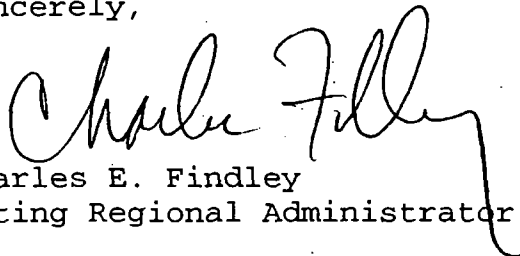
EPA has worked with the Washington State Department of Ecology (Ecology) to examine an alternative cleanup approach that would not have required a NPL listing for this site. However, it now appears unlikely that this approach will be successful. EPA has now reached the conclusion that this site should be proposed for inclusion on the NPL.

We do not expect NPL listing to slow down the investigation and cleanup process. It is EPA and Ecology's intention to utilize the work completed to date and move forward quickly to address the health and environmental risks at the site.

If you concur that the Lower Duwamish Waterway site should be proposed to the NPL, please forward a letter to Administrator Browner (with a copy to my office). To ensure that we could move forward expeditiously, we would appreciate your response by September 27, 2000.

EPA hopes to continue working closely with Ecology to ensure that our common goal of protecting public health and the environment is fully realized. Should you require additional information, please do not hesitate to contact me at (206)553-0454, or have your staff contact Loren McPhillips at (206) 553-4903. Thank you for your attention to this request.

Sincerely,



Charles E. Findley
Acting Regional Administrator

cc: Tom Fitzsimmons, Ecology